

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**BILL DRAFT 2013-TPz-9 [v.4] (03/04)**

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)**

**3/7/2014 10:12:44 AM**

Short Title: Amend Hotel Carbon Monoxide Alarm Requirement.

(Public)

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Sponsors: (Primary Sponsor).

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE REQUIREMENTS FOR CARBON MONOXIDE ALARMS IN  
3 HOTELS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 19.(c) of S.L. 2013-413 is repealed.

7 **SECTION 2.** Section 19.(e) of S.L. 2013-413 reads as rewritten:

8 "**SECTION 19.(e)** This section is effective when it becomes law, except that ~~(i)~~  
9 subsection (b) of this section becomes effective October 1, ~~2013, 2013, and expires October 1,~~  
10 ~~2014; and (ii) subsection (c) of this section becomes effective October 1, 2014."~~

11 **SECTION 3.** G.S. 143-138(b2) reads as rewritten:

12 "(b2) Carbon Monoxide ~~Alarms~~~~Detectors~~. – The Code (i) may contain provisions  
13 requiring the installation of either battery-operated or electrical carbon monoxide  
14 ~~alarms~~~~detectors~~ in every dwelling unit having a ~~combustion~~~~fossil-fuel~~~~burning~~ heater,  
15 appliance, or fireplace, and in any dwelling unit having an attached garage and (ii) shall contain  
16 provisions requiring the installation of electrical carbon monoxide ~~alarms~~~~detectors~~ at a lodging  
17 establishment. Violations of this subsection and rules adopted pursuant to this subsection shall  
18 be punishable in accordance with subsection (h) of this section and G.S. 143-139. In particular,  
19 the rules shall provide:

20 (1) For dwelling units, carbon monoxide ~~alarms~~~~detectors~~ shall be those listed by  
21 a nationally recognized testing laboratory that is OSHA-approved to test and  
22 certify to American National Standards Institute/Underwriters Laboratories  
23 Standards ANSI/UL2034 or ANSI/UL2075 and shall be installed in  
24 accordance with either the standard of the National Fire Protection  
25 Association or the minimum protection designated in the manufacturer's  
26 instructions, which the property owner shall retain or provide as proof of  
27 compliance. A carbon monoxide ~~alarm~~~~detector~~ may be combined with  
28 smoke detectors if the combined ~~alarm~~~~detector~~ does both of the following:  
29 (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide  
30 alarms and ANSI/UL217 for smoke detectors; and (ii) emits an alarm in a  
31 manner that clearly differentiates between detecting the presence of carbon  
32 monoxide and the presence of smoke.

33 (2) For lodging establishments, including tourist homes that provide  
34 accommodations to persons for more than one week (extended stay



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1 establishments), and bed and breakfast inns and bed and breakfast homes as  
2 defined in G.S. 130A-247, carbon monoxide ~~alarms~~~~detectors~~ shall be  
3 installed in every dwelling unit or sleeping unit~~enclosed space~~ having a  
4 combustion~~fossil fuel burning~~ heater, appliance, or fireplace and in every  
5 dwelling unit or sleeping unit~~any enclosed space, including a sleeping room,~~  
6 that shares a common wall, floor, or ceiling a room~~with an enclosed space~~  
7 having a combustion~~fossil fuel burning~~ heater, appliance, or fireplace.  
8 Carbon monoxide ~~alarms~~~~detectors~~ shall be (i) listed by a nationally  
9 recognized testing laboratory that is ~~approved~~~~OSHA approved~~ to test and  
10 certify to American National Standards Institute/Underwriters Laboratories  
11 (ANSI/UL) Standards ANSI/UL2034 or ANSI/UL2075, (ii) installed in  
12 accordance with either the standard of the National Fire Protection  
13 Association (NFPA) or the minimum protection designated in the  
14 manufacturer's instructions, which the lodging establishment shall retain or  
15 provide as proof of compliance, (iii) receive primary power from the  
16 building's wiring, where such wiring is served from a commercial source,  
17 and (iv) receive power from a battery when primary power is interrupted. A  
18 carbon monoxide ~~alarm~~~~detector~~ may be combined with smoke detectors if  
19 the combined ~~alarm~~~~detector~~ complies with the requirements of this  
20 subdivision for carbon monoxide alarms and ANSI/UL217 for smoke  
21 alarms.~~detectors~~. In lieu of the carbon monoxide alarms required by this  
22 subsection, a carbon monoxide detection system, which includes carbon  
23 monoxide detectors and audible notification appliances installed and  
24 maintained in accordance with NFPA 720 shall be permitted. The carbon  
25 monoxide detectors shall be listed as complying with ANSI/UL2075. For  
26 purposes of this subsection, "lodging establishment" means any hotel, motel,  
27 tourist home, or other establishment permitted under authority of  
28 G.S. 130A-248 to provide lodging accommodations for pay to the  
29 public,~~public~~, and "combustion heater, appliance, or fireplace" means any  
30 heater, appliance, or fireplace that burns combustion fuels, including but not  
31 limited to natural or liquefied petroleum gas, fuel oil, kerosene, wood, or  
32 coal, for heating, cooking, drying, or decorative purposes, including but not  
33 limited to space heaters, wall and ceiling heaters, ranges, ovens, stoves,  
34 furnaces, fireplaces, water heaters, and clothes dryers. For purposes of this  
35 subsection, candles and canned fuels are not considered to be combustion  
36 appliances.

- 37 (3) The Building Code Council shall modify the NC State Building Code (Fire  
38 Prevention) to regulate the provisions of this subsection in new and existing  
39 lodging establishments, including hotels, motels, tourist homes that provide  
40 accommodations to persons for more than one week (extended stay  
41 establishments), and bed and breakfast inns and bed and breakfast homes as  
42 defined in G.S. 130A-247; provided nothing in this subsection shall prevent  
43 the Building Code Council from establishing more stringent rules regulating  
44 carbon monoxide alarms or detectors for new lodging establishments,  
45 including hotels, motels, tourist homes that provide accommodations to  
46 persons for more than one week (extended stay establishments), and bed and  
47 breakfast inns and bed and breakfast homes as defined in G.S. 130A-247.  
48 The Building Code Council shall modify the NC State Building Code (Fire  
49 Prevention) minimum inspection schedule to include annual inspections of  
50 new and existing lodging establishments, including hotels, motels, and  
51 tourist homes that provide accommodations to persons for more than one

1 week (extended stay), and bed and breakfast inns as defined in  
2 G.S. 130A-276(6) for the purpose of compliance with this subsection.  
3 (4) Upon discovery of a violation of this subsection that is not corrected during  
4 an inspection of a lodging establishment subject to the provisions of  
5 G.S. 130A-248, the code official responsible for enforcing the NC State  
6 Building Code (Fire Prevention) shall immediately notify the local health  
7 director for the county in which the violation was discovered or his designee  
8 by verbal contact and shall also submit a written report documenting the  
9 violation of this subsection to the local health director for the county in  
10 which the violation was discovered or his designee within two working days  
11 following the discovery of the violation. Within 72 hours of receipt of the  
12 written report documenting a violation of this subsection, the local health  
13 director for the county in which the violation was discovered or his designee  
14 shall investigate and take appropriate action regarding the permit for the  
15 lodging establishment, as provided in G.S. 130A-248. Lodging  
16 establishments having eight or more rooms that are exempted from the  
17 requirements of G.S. 130A-248 by G.S. 130A-250 shall be subject to the  
18 penalties set forth in the NC State Building Code (Fire Prevention)."

19 **SECTION 4.** G.S. 130A-248 reads as rewritten:

20 **"§ 130A-248. Regulation of food and lodging establishments.**

21 ...

22 (b) No establishment shall commence or continue operation without a permit or  
23 transitional permit issued by the Department. The permit or transitional permit shall be issued  
24 to the owner or operator of the establishment and shall not be transferable. If the establishment  
25 is leased, the permit or transitional permit shall be issued to the lessee and shall not be  
26 transferable. If the location of an establishment changes, a new permit shall be obtained for the  
27 establishment. A permit shall be issued only when the establishment satisfies all of the  
28 requirements of the ~~rules, rules and the requirements of subsection (g) of this section.~~ The  
29 Commission shall adopt rules establishing the requirements that must be met before a  
30 transitional permit may be issued, and the period for which a transitional permit may be issued.  
31 The Department may also impose conditions on the issuance of a permit or transitional permit  
32 in accordance with rules adopted by the Commission. A permit or transitional permit shall be  
33 immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to  
34 maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or  
35 revoked in accordance with G.S. 130A-23.

36 ...

37 (g) All hotels, motels, tourist homes, and other establishments that provide lodging for  
38 pay shall ~~have install either a battery operated or electrical~~ carbon monoxide ~~alarms~~ detector  
39 ~~installed in every dwelling unit or sleeping unit enclosed space having a combustion fossil fuel~~  
40 ~~burning~~ heater, appliance, or fireplace and in ~~every any dwelling unit or sleeping unit enclosed~~  
41 ~~space, including a sleeping room,~~ that shares a common wall, floor, or ceiling with an enclosed  
42 ~~rooms~~ space having a ~~combustion fossil fuel burning~~ heater, appliance, or fireplace. Carbon  
43 monoxide ~~alarms~~ detectors shall (i) be listed by a nationally recognized testing laboratory that is  
44 ~~approved OSHA approved~~ to test and certify to American National Standards  
45 Institute/Underwriters Laboratories (ANSI/UL) Standard ANSI/UL2034, ~~Standards~~  
46 ~~ANSI/UL2034 or ANSI/UL2075,~~ and installed in accordance with either the standard of the  
47 National Fire Protection Association (NFPA) or the minimum protection designated in the  
48 manufacturer's instructions, which the establishment shall retain or provide as proof of  
49 ~~compliance, compliance.~~ (ii) receive primary power from the building's wiring, where such  
50 ~~wiring is served from a commercial source,~~ and (iii) receive power from a battery when  
51 primary power is interrupted. A carbon monoxide ~~alarm~~ detector may be combined with a

1 smoke ~~alarmdetectors~~ if the combined ~~alarmdetector~~ complies with the requirements of this  
2 ~~subsection~~~~subdivision~~ for carbon monoxide alarms and ANSI/UL217 for smoke  
3 ~~alarms,detectors~~. In lieu of the carbon monoxide alarms required by this subsection, a carbon  
4 monoxide detection system, which includes carbon monoxide detectors and audible notification  
5 appliances installed and maintained in accordance with NFPA 720 shall be permitted. The  
6 carbon monoxide detectors shall be listed as complying with ANSI/UL2075. For purposes of  
7 this subsection, "combustion heater, appliance, or fireplace" means any heater, appliance, or  
8 fireplace that burns combustion fuels, including but not limited to natural or liquefied  
9 petroleum gas, fuel oil, kerosene, wood, or coal, for heating, cooking, drying, or decorative  
10 purposes, including but not limited to space heaters, wall and ceiling heaters, ranges, ovens,  
11 stoves, furnaces, fireplaces, water heaters, and clothes dryers. For purposes of this subsection,  
12 candles and canned fuels are not considered to be combustion appliances."

13 **SECTION 5.** This act is effective when it becomes law.